

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**ROBERT BURCK d/b/a THE NAKED
COWBOY,**

Plaintiff,

-against-

MARS, INCORPORATED

and

CHUTE GERDEMAN, INC.,

Defendants.

C.A. No. 08 Civ. 1330-DC

**PLAINTIFF ROBERT BURCK d/b/a/
THE NAKED COWBOY AND
DEFENDANT CHUTE GERDEMAN,
INC.'S AND DEFENDANT MARS,
INCORPORATED'S JOINT
DISCOVERY PLAN**

Filed Electronically

JOINT DISCOVERY PLAN

On June 11, 2008, the parties, by counsel, pursuant to Federal Rule Civil Procedure 26(f) conferred in person regarding discovery in the above captioned matter. Ethan Halberstadt and Scott Rothman represented Robert Burck d/b/a “The Naked Cowboy” (“Plaintiff”). Joseph R. Price and Leslie K. Mitchell represented Mars, Incorporated and Chute Gerdeman, Inc. (collectively “Defendants”).

The parties have agreed to the following plan for discovery in this case:

1. Parties request a trial date, on or about July 6, 2009.
2. The parties anticipate that the trial of this matter will take five days.
3. All fact discovery shall be completed on or before December 15, 2008.
4. The parties shall each serve the initial disclosures required by Federal Rule Civil Procedure 26(a)(1) on or before July 14, 2008.

5. Pursuant to Federal Rule Civil Procedure 26(a)(2), the parties propose that (i) Plaintiff shall make the disclosures required by Federal Rule Civil Procedure 26(a)(2) on or before January 6, 2009; (ii) Defendants shall make the disclosures required by Federal Rule Civil Procedure 26(a)(2) on or before February 6, 2009; and (iii) Plaintiff shall disclose any evidence that is solely contradictory or in rebuttal to Defendants' disclosures on or before March 6, 2009.

6. The parties shall file dispositive motions, if any, on or before April 6, 2009.

7. The parties do not consent to a trial before a United States Magistrate Judge.

Dated: June 18, 2008

Respectfully submitted,

ARENT FOX LLP

s/

Joseph R. Price, Esq., (admitted *pro hac vice*)
Leslie K. Mitchell, N.Y. Bar No. LM2811

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ROBERT BURCK
d/b/a THE NAKED COWBOY,

Plaintiff,

v.

MARS, INCORPORATED

and

CHUTE GERDEMAN, INC.,

Defendants.

Case Number: 08 CIV 1330

Judge Denny Chin

ORDER

Having considered the parties' Joint Discovery Plan in the above captioned matter, it is hereby ORDERED that:

1. Trial in this matter shall commence on _____.
2. All fact discovery shall be completed on or before December 15, 2008.
3. The parties shall each serve the initial disclosures required by Federal Rule Civil Procedure 26(a)(1) on or before July 14, 2008.
4. Plaintiff shall make the disclosures required by Federal Rule Civil Procedure 26(a)(2) on or before January 6, 2009; (ii) Defendants shall make the disclosures required by Federal Rule Civil Procedure 26(a)(2) on or before February 6, 2009; and (iii) Plaintiff shall disclose any evidence that is solely contradictory or in rebuttal to Defendants' disclosures on or before March 6, 2009.
5. The parties shall file dispositive motions, if any, on or before April 6, 2009.

Entered: _____, 2008

Denny Chin
United States District Judge